

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 3:14-CR-062-MMD-(WGC)
)
PORFIRIO HERRERA-LARA,)
a/k/a Omar Lara-Monje,)
a/k/a Omar Lara,)
)
Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on May 6, 2015, defendant PORFIRIO HERRERA-LARA, a/k/a Omar Lara-Monje, a/k/a Omar Lara, pled guilty to Counts Three and Four of a Five-Count Second Superseding Indictment charging him in Count Three with Possession with Intent to Distribute at least 5 Grams of Actual Methamphetamine in violation of Title 21, United States Code, Section 841(a)(1) and in Count Four with Possession of a Firearm During and in Relation to a Drug Trafficking Crime in violation of Title 18, United States Code, Section 924(c)(1)(A). Second Superseding Indictment, ECF No. 90; Change of Plea, ECF No. 104; Plea Agreement, ECF No. 105.

This Court finds defendant PORFIRIO HERRERA-LARA, a/k/a Omar Lara-Monje, a/k/a Omar Lara, agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegations of the Second Superseding Indictment. Second Superseding Indictment, ECF No. 90; Change of Plea, ECF No. 104; Plea Agreement, ECF No. 105.

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1 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America
2 has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture
3 Allegations of the Second Superseding Indictment and the offenses to which defendant PORFIRIO
4 HERRERA-LARA, a/k/a Omar Lara-Monje, a/k/a Omar Lara, pled guilty.

5 The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section
6 924(d)(1) with Title 28, United States Code, Section 2461(c) and Title 21, United States Code, Section
7 853(a)(1), (a)(2), and (p):

- 8 1. United States Currency: that is, \$15,030 recovered from a black Chevy Tahoe
9 bearing California license plate 6LQC976 operated by Porfirio Herrera-Lara on
10 August 8, 2014;
- 11 2. a Smith & Wesson .38 caliber handgun, bearing serial number BSC6691, recovered
12 from a Black Chevy Tahoe bearing California license plate 6LQC976, operated by
13 the Porfirio Herrera-Lara on or about August 8, 2014, and any ammunition therefor;
14 and
- 15 3. a Norinco semi-automatic rifle 7.62x39 mm, bearing serial number 9313514,
16 recovered from 2312 Wedekind Road #3, Reno, Nevada on or about August 8,
17 2014, and any ammunition therefor
18 (all of which constitutes "property").

19 This Court finds the United States of America is now entitled to, and should, reduce the
20 aforementioned property to the possession of the United States of America.

21 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
22 United States of America should seize the aforementioned property.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
24 PORFIRIO HERRERA-LARA, a/k/a Omar Lara-Monje, a/k/a Omar Lara, in the aforementioned
25 property is forfeited and is vested in the United States of America and shall be safely held by the
26 United States of America until further order of the Court.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
2 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
3 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
4 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
5 name and contact information for the government attorney to be served with the petition, pursuant to
6 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
8 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
9 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the
10 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
11 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's
12 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's
13 petition and the relief sought.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
15 with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South
16 Virginia Street, 3rd Floor, Reno, NV 89501, no later than thirty (30) days after the notice is sent or, if
17 direct notice was not sent, no later than sixty (60) days after the first day of the publication on the
18 official internet government forfeiture site, www.forfeiture.gov.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
20 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
21 following address at the time of filing:

22 Greg Addington
23 Assistant United States Attorney
24 100 West Liberty Street, Suite 600
Reno, NV 89501

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
26 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency

1 following publication of notice of seizure and intent to administratively forfeit the above-described
2 property.

3 DATED this 7th day of May, 2015.

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7 UNITED STATES DISTRICT JUDGE
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